

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 16, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

JUAN MANUEL FERNANDEZ,
Defendant.

No. 2:12-CR-0125-WFN-1
ORDER

Pending before the Court is Defendant's Motion for Compassionate Release Under 18 USC 3582(c)(1)(A). ECF No. 92. Compassionate release allows early release of a defendant if they meet the conditions set out in the statute. For the Court to have jurisdiction to hear a motion for compassionate release, Defendant must first exhaust his claim with the Bureau of Prisons. To exhaust his claim, Defendant must make his request for compassionate release through the Bureau of Prisons. If denied, he must follow the appellate procedure set out by the Bureau of Prisons. If after thirty days of submitting the initial request the Bureau of Prisons does not file a claim on his behalf or otherwise respond to his request, then he may directly petition the Court. Defendant does not appear to have requested compassionate release from the Bureau of Prisons therefore could not have exhausted his claim. The Court has reviewed the file and Motion and is fully informed. Accordingly,

IT IS ORDERED that the Defendant's Motion to for Compassionate Release Under 18 USC 3582(c)(1)(A), filed May 27, 2020, **ECF No. 92**, is **DENIED with the right to renew** once he has exhausted his claim with the Bureau of Prisons.

1 The District Court Executive is directed to file this Order and provide copies to
2 counsel.

3 **DATED** this 16th day of June, 2020.

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6 WM. FREMMING NIELSEN
7 SENIOR UNITED STATES DISTRICT JUDGE

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